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emissions, volumetric flow, and opacity data from affected units under the Acid Rain Program pursuant to sections 412 and 821 of the CAA, 42 U.S.C. 7401–7671q as amended by Public Law 101–549 (November 15, 1990) [the Act]. In addition, this part sets forth provisions for the monitoring, recordkeeping, and reporting of NO_x mass emissions with which EPA, individual States, or groups of States may require sources to comply in order to demonstrate compliance with a NO_x mass emission reduction program, to the extent these provisions are adopted as requirements under such a program.

(b) *Scope.* (1) The regulations established under this part include general requirements for the installation, certification, operation, and maintenance of continuous emission or opacity monitoring systems and specific requirements for the monitoring of SO₂ emissions, volumetric flow, NO_x emissions, opacity, CO₂ emissions and SO₂ emissions removal by qualifying Phase I technologies. Specifications for the installation and performance of continuous emission monitoring systems, certification tests and procedures, and quality assurance tests and procedures are included in appendices A and B to this part. Criteria for alternative monitoring systems and provisions to account for missing data from certified continuous emission monitoring systems or approved alternative monitoring systems are also included in the regulation.

(2) Statistical estimation procedures for missing data are included in appendix C to this part. Optional protocols for estimating SO₂ mass emissions from gas-fired or oil-fired units and NO_x emissions from gas-fired peaking or oil-fired peaking units are included in appendices D and E, respectively, to this part. Requirements for recording and recordkeeping of monitoring data and for quarterly electronic reporting also are specified. Procedures for conversion of monitoring data into units of the standard are included in appendix F to this part. Procedures for the monitoring and calculation of CO₂

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emissions are included in appendix G of this part.

[58 FR 3701, Jan. 11, 1993; 58 FR 34126, June 23, 1993; 58 FR 40747, July 30, 1993; 63 FR 57498, Oct. 27, 1999; 67 FR 40421, June 12, 2002]

§ 75.2 Applicability.

(a) Except as provided in paragraphs (b) and (c) of this section, the provisions of this part apply to each affected unit subject to Acid Rain emission limitations or reduction requirements for SO₂ or NO_x.

(b) The provisions of this part do not apply to:

(1) A new unit for which a written exemption has been issued under § 72.7 of this chapter (any new unit that serves one or more generators with total nameplate capacity of 25 MWe or less and burns only fuels with a sulfur content of 0.05 percent or less by weight may apply to the Administrator for an exemption); or

(2) Any unit not subject to the requirements of the Acid Rain Program due to operation of any paragraph of § 72.6(b) of this chapter; or

(3) An affected unit for which a written exemption has been issued under § 72.8 of this chapter and an exception granted under § 75.67 of this part.

(c) The provisions of this part apply to sources subject to a State or federal NO_x mass emission reduction program, to the extent these provisions are adopted as requirements under such a program.

(d) The provisions of this part apply to sources subject to a State or Federal mercury (Hg) mass emission reduction program, to the extent that these provisions are adopted as requirements under such a program.

[58 FR 3701, Jan. 11, 1993, as amended at 58 FR 15716, Mar. 23, 1993; 60 FR 26516, May 17, 1995; 63 FR 57499, Oct. 27, 1998; 70 FR 28678, May 18, 2005]

§ 75.3 General Acid Rain Program provisions.

The provisions of part 72, including the following, shall apply to this part:

- (a) § 72.2 (Definitions);
- (b) § 72.3 (Measurements, Abbreviations, and Acronyms);
- (c) § 72.4 (Federal Authority);
- (d) § 72.5 (State Authority);
- (e) § 72.6 (Applicability);

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- (f) § 72.7 (New Unit Exemption);
- (g) § 72.8 (Retired Units Exemption);
- (h) § 72.9 (Standard Requirements);
- (i) § 72.10 (Availability of Information); and
- (j) § 72.11 (Computation of Time).

In addition, the procedures for appeals of decisions of the Administrator under this part are contained in part 78 of this chapter.

§ 75.4 Compliance dates.

(a) The provisions of this part apply to each existing Phase I and Phase II unit on February 10, 1993. For substitution or compensating units that are so designated under the Acid Rain permit which governs that unit and contains the approved substitution or reduced utilization plan, pursuant to § 72.41 or § 72.43 of this chapter, the provisions of this part become applicable upon the issuance date of the Acid Rain permit. For combustion sources seeking to enter the Opt-in Program in accordance with part 74 of this chapter, the provisions of this part become applicable upon the submission of an opt-in permit application in accordance with § 74.14 of this chapter. The provisions of this part for the monitoring, recording, and reporting of NO_x mass emissions become applicable on the deadlines specified in the applicable State or federal NO_x mass emission reduction program, to the extent these provisions are adopted as requirements under such a program. In accordance with § 75.20, the owner or operator of each existing affected unit shall ensure that all monitoring systems required by this part for monitoring SO₂, NO_x, CO₂, opacity, moisture and volumetric flow are installed and that all certification tests are completed no later than the following dates (except as provided in paragraphs (d) through (i) of this section):

(1) For a unit listed in table 1 of § 73.10(a) of this chapter, November 15, 1993.

(2) For a substitution or a compensating unit that is designated under an approved substitution plan or reduced utilization plan pursuant to § 72.41 or § 72.43 of this chapter, or for a unit that is designated an early election unit under an approved NO_x compliance plan pursuant to part 76 of this chap-

ter, that is not conditionally approved and that is effective for 1995, the earlier of the following dates:

- (i) January 1, 1995; or
- (ii) 90 days after the issuance date of the Acid Rain permit (or date of approval of permit revision) that governs the unit and contains the approved substitution plan, reduced utilization plan, or NO_x compliance plan.

(3) For either a Phase II unit, other than a gas-fired unit or an oil-fired unit, or a substitution or compensating unit that is not a substitution or compensating unit under paragraph (a)(2) of this section: January 1, 1995.

(4) For a gas-fired Phase II unit or an oil-fired Phase II unit, January 1, 1995, except that installation and certification tests for continuous emission monitoring systems for NO_x and CO₂ or excepted monitoring systems for NO_x under appendix E or CO₂ estimation under appendix G of this part shall be completed as follows:

(i) For an oil-fired Phase II unit or a gas-fired Phase II unit located in an ozone nonattainment area or the ozone transport region, not later than July 1, 1995; or

(ii) For an oil-fired Phase II unit or a gas-fired Phase II unit not located in an ozone nonattainment area or the ozone transport region, not later than January 1, 1996.

(5) For combustion sources seeking to enter the Opt-in Program in accordance with part 74 of this chapter, the expiration date of a combustion source's opt-in permit under § 74.14(e) of this chapter.

(b) In accordance with § 75.20, the owner or operator of each new affected unit shall ensure that all monitoring systems required under this part for monitoring of SO₂, NO_x, CO₂, opacity, and volumetric flow are installed and all certification tests are completed on or before the later of the following dates:

(1) January 1, 1995, except that for a gas-fired unit or oil-fired unit located in an ozone nonattainment area or the ozone transport region, the date for installation and completion of all certification tests for NO_x and CO₂ monitoring systems shall be July 1, 1995 and for a gas-fired unit or an oil-fired unit not located in an ozone nonattainment